

United States Patent and Trademark Office



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/978,199	10/17/2001	Gregory P. Poguc	42202	4164
7590 10/05/2004			EXAMINER	
Dean H. Nakamura Roylance Abrams Berdo & Goodman 1300 19th Street, NW Washington, DC 20036			HELMER, GEORGIA L	
			ART UNIT	PAPER NUMBER
			1638	
·			DATE MAILED: 10/05/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Examiner		Application No.	Applicant(s)					
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 27 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either; (1) a timely filed amendment which places the application in Condition (RCE) in compliance with 37 CFR 1.114 and 2011 be either; (1) a timely filed amendment which places the application in Condition (RCE) in compliance with 37 CFR 1.118 for the period for reply expires 2 months from the making date of the final rejection. PERIOD FOR REPLY (check either a) or b)] The period for reply expires 2 months from the making date of the final rejection. PERIOD FOR REPLY (check either a) or b)] The period for reply expires 2 months from the making date of the final rejection. ONLY OFFICE CT THIS BOX WHEN THE REFER TERE YWAS FILED WHIN THE NORTH ARE REFERRON. See MPEP 705.07(1). TOS.07(1). TO	Advisory Action	09/978,199						
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Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be either (1) a timely field amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b)] a) The period for reply expires 3_months from the mailing date of the Advancy Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires set than SIX MONTHS from the mailing date of the final rejection. ONLY OFICECKTHIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(1). Extended the final rejection of the period for reply expires a statutory period for reply expires that the final critical period for the reply expires and the corresponding amount of the perportise detension fee the behavior to the differ proproses of detenining the period of detending the reply of signally set in the final Critical form (1) the expiration date of the shortened statutory period for reply originally set in the final Critical form (1) the expiration date of the shortened statutory period for reply originally set in the final Critical form of the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. A hotice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise the issue of new matter (see Note below); (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (c) they are not deemed to place the application	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
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U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 2. NOTE: The language "wherein said RNA molecule is capable of transiently infecting a plant cell and systemically infecting the plant without another virus while expressing biologically active lysozyme protein in the whole plant" raises new issues which require further consideration and searching. Applicant's use of "wherein said RNA molecule is capable of transiently infecting a plant cell and systemically infecting the plant without another virus while expressing biologically active lysozyme protein in the whole plant" is new matter.

Continuation of 5. does NOT place the application in condition for allowance because: The arguments are based on the amendment of the claims which will not be entered...